

REMARKS

This Application has been carefully reviewed in light of the Advisory Action mailed November 21, 2002. Applicants appreciate the Examiner's consideration of the Application. Applicants cancel former independent Claims 1, 6, and 13 and former dependent Claims 9 and 21-23 without prejudice or disclaimer. Applicants add new independent Claims 24, 26, and 29 and new dependent Claims 25, 27, 28, and 30. Applicants respectfully request reconsideration and favorable action in this case:

Section 132 Objection

The Examiner objected to the Amendment filed May 28, 2002 under 35 U.S.C. § 132 because it allegedly introduces new matter into the disclosure. Applicants cancel Claims 1, 6, 9, 13, and 21-23 without prejudice or disclaimer. However, to clarify the record, Applicants respectfully traverse the Examiner's objections for at least the following reasons. For example, the specification recites "*Fare records may also include a version number that indicates a change such as a new data format or new record field* that data provider 80 will subsequently use." Specification, p. 10, ll. 15-17. In another example, the specification recites "*processing engine 31 determines whether the update includes other changes, such as a change in format.* If so, in step 208 processing engine 31 processes and associates a time stamp with the relevant changes required for application server 37 to subsequently process the data. In one embodiment of the invention, *changes such as new data formatting specifications* are associated with the time stamp by using a language such as Prolog." Specification, p. 12, ll. 6-11. Other portions of the specification may also support the above-identified former claim limitation. Accordingly, Applicants respectfully request that the 35 U.S.C. § 132 objection be withdrawn.

Section 112 Rejection

The Examiner rejects Claims 1-4, 6-11, and 13-23 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Applicants cancel Claims 1, 6, 9, 13, and 21-23 without prejudice or disclaimer. Applicants amend Claims 2-4, 7-8 and 10-11, and 14-20 to depend on new independent Claims 24, 26, and 29, respectively. However, to clarify the record, Applicants respectfully

traverse the Examiner's rejections. For reasons analogous to those described above in conjunction with the 35 U.S.C. § 132 objection, a person skilled in the pertinent art would understand from reading Applicants' original specification that the inventors, at the time the application was filed, were in possession of the "first version number and second version number ... wherein the second version number differs from the first version number," "wherein the format of the new reservation data in the data store differs from the format of the old reservation data in the data store," "the second new reservation data ... a third version number ... wherein the third version number differs from the second version number," and "wherein the format of the second new reservation data in the data store differs from the format of the first new reservation data in the data store as recited, in part, by former Claims 1, 6, 13, and 21-23, respectively. *See* Specification, p. 10, ll. 15-17; Specification, p. 12, ll. 6-11. Accordingly, Applicants respectfully request that this rejection be withdrawn. For at least reasons similar to those outlined above, a person skilled in the pertinent art would understand from reading Applicants' original specification that the inventors, at the time the application was filed, were in possession of the various recitations in the new claims.

Section 103 Rejection

Claim 24 recites, in part, "A travel pricing system, comprising ... a data store ... and a server coupled to the data store, the server ... receiving a first reservation record relating to a first type of record, the first reservation record comprising travel attributes and a first version number, the travel attributes arranged in a first record format ... associating the first reservation record with a first time stamp ... adding the first reservation record and time stamp to the data store using the first reservation record format ... receiving a second reservation record relating to the first type of record, the second reservation record comprising at least a portion of the travel attributes associated with the first reservation record and a second version number different from the first version number, the travel attributes arranged in a second record format different from the first record format ... associating the second reservation record with a second time stamp ... and adding the second reservation record and time stamp to the data store using the second reservation record format." Applicants respectfully submit that the *Dettelbach-Johnson* combination fails to teach, suggest, or disclose various aspects of independent Claim 24.

Dettelbach Teaches Away from the Claimed Invention

At the outset, Applicants respectfully traverse the Examiner's arguments in the Advisory Action and reiterate all of the arguments outlined in Applicants' prior Responses. For example, Applicants submitted that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.” *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984) (emphasis added) (M.P.E.P. § 2141.02). In the Advisory Action, the Examiner claimed to be “unable to find anything in the reference that precludes or ‘teaches away from’ an ability to accommodate multiple file formats.” (Advisory Action, p. 2). Yet in prior Office Actions, the Examiner twice admitted that, in *Dettelbach*, “[t]he new reservation data is then conditioned and is converted to the same output format as the historical reservation files maintained in the system’s database.” (Final Office Action, p. 6; emphasis added). Further, Applicants previously asserted that *Dettelbach* “teaches that a serial interface control B retrieves data into a file having the ‘.RAW’ extension, *see Dettelbach*, c. 4, ll. 10-29, and that

[t]he ultimate output from the serial interface control B is the ‘.RAW’ file 12, converted into ACSII delimited format as a transfer file 20, arranged for use by the relational database control C. The conditioned output file becomes the transfer file 20 and is assigned a ‘.XFR’ extension. All characters and character strings in the transfer file 20 are delimited by quotes. All fields are separated by commas. Each reservation retrieved from the queue file Q99 is bracketed by a Record Header and Record Trailer... [A]ll items listed [in FIGURE 4] are extracted from the raw data file shown in FIGURE 3. All information in the Transfer File (.XFR) is ASCII character data... This facilitates the selective arrangements of the items within the memory as shown.

Dettelbach, c. 4, ll. 32-56.” As Applicants asserted previously, the persistent use by *Dettelbach* of the word “all” to describe its formatting techniques necessarily limits *Dettelbach* to a single format and runs counter to expanding the teachings of *Dettelbach* to include “different formats” through a combination with *Johnson* or any other reference. Applicants respectfully submit that each of the Examiner’s own interpretation of *Dettelbach* and the portion of *Dettelbach* cited by Applicants above teaches away from the ability to accommodate different record formats.

The Examiner then concluded that “sections of *Dettelbach* suggest that a plurality of data formats is included, even among the transfer files ... The various types of records included among the reservation data each have different formats.” (Advisory Action, p. 2).

First, the Examiner apparently equates file formats with record formats. Applicants respectfully traverse this interpretation. Second, even if the Examiner is correct, which Applicants do not concede, *Dettelbach* explicitly teaches conversion of incoming data into the same file format including one delineated record format for each record type. For example, all records in *Dettelbach* are “arranged for use by the relational database control C and assigned a ‘.XFR’ extension.” (*Dettelbach*, Column 4, Lines 34-37). After the data is converted, “[a]ll information in the Transfer File (‘.XFR’) 20 is ASCII character data. Each field is delimited with double quotes, and the fields are separated by commas within the table segments.” (*Dettelbach*, Column 4, Lines 52-55). This format of the .XFR file “facilitates the selective arrangement of the items within memory as shown.” (*Dettelbach*, Column 4, Lines 55-56). *Dettelbach* then details the expected arrangement or format of each reservation. In fact, each reservation is “bracketed by a Record Header and Record Trailer,” (*Dettelbach*, Column 4, Lines 40-41), and includes “records delineating the customer data, department authorization, and air, hotel, and automobile reservations” (*Dettelbach*, Column 4, Lines 45-47). *Dettelbach* then, without disclaimer or modifier, explicitly defines the only record format for each of the aforementioned record types. (*Dettelbach*, Column 4, Line 60 – Column 6, Line 15). In short, *Dettelbach* does not teach “receiving a first reservation record relating to a first type of record, ... the travel attributes arranged in a first record format ... adding the first reservation record and time stamp to the data store using the first reservation record format ... receiving a second reservation record relating to the first type of record, ... the travel attributes arranged in a second record format different from the first record format” as recited, in part, by new independent Claim 24.

The Proposed Modification of *Dettelbach* Changes its “Principle of Operation”

Applicants further respectfully submit that the Examiner has not addressed the Applicants’ submission that “the ‘proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified,’ and that, therefore, ‘the teachings of the references are not sufficient to render the claims *prima facie* obvious.’ MPEP §2143.01.” Indeed, the fundamental principle of operation of *Dettelbach* requires retrieving ‘pre-travel’ data from multiple sources and converting, or logically arranging, the retrieved data into a single format ‘suitable for input by the single common relational database control.’ *Dettelbach*, c. 2, ll. 22-23. The “single common relational database control” is necessary in *Dettelbach* to organize ‘pre-travel data for comparison use

by corporate clients.’ *Dettelbach*, c. 1, ll. 9-11 (emphasis added).” Applicants respectfully submit that the modification of *Dettelbach* by the teachings of *Johnson*, as suggested by the Examiner, would “change the principle of operation” of *Dettelbach*. For at least these reasons, Applicants respectfully submit that the combination of *Dettelbach* and *Johnson* is improper and that the Examiner has failed to establish a *prima facie* use of obviousness under 35 U.S.C. § 103(a).

***Dettelbach* Provides No “Alternate Configurations”**

In support of the Examiner’s combination of *Dettelbach* and *Johnson*, the Examiner claimed that *Dettelbach* may include “other possible embodiments that have alternate configurations that still provide the disclosed advantages of the Dettelbach system (col. 2, lines 40-51).” (Advisory Action, p. 3-4; *see* Final Office Action, p. 6). For support, the Examiner claimed that M.P.E.P. § 2123 provides that “a reference may be relied upon for all that it reasonably would have suggested to one having ordinary skill in the art, including non-preferred embodiments.” (Advisory Action, p. 3; emphasis in original). The Examiner then argues that *Dettelbach* somehow discusses a “more limited” aspect to include the necessity to convert files to a common format. To the Examiner, this leaves open “alternative configurations” that are perhaps broader and that “still provide the disclosed advantages.” (Advisory Action, p. 4). Applicants respectfully traverse the Examiner’s position.

Dettelbach simply provides no “alternative configurations.” Applicants respectfully request the Examiner to provide evidence or disclosure of any alternative embodiments in *Dettelbach* that provide for “files of different formats in the same data store” as alleged by the Examiner. Without such a showing, the Examiner is doing nothing more than engaging in impermissible hindsight reconstruction and, therefore, has no foundation to rely upon any embodiment other than the embodiment disclosed in *Dettelbach* that requires conversion and therefore teaches away from Claim 24. Referring to *Dettelbach*, the reference to a “more limited aspect of the invention” does nothing more than modify the previous paragraph which provides a high level, generic description of the *Dettelbach* invention. (Col. 2, ll. 11-23). In comparison to this high level description, Applicants respectfully submit that almost anything could be considered a “more limited aspect of the invention.” The fact remains, however, that *Dettelbach* provides no “alternative configurations” to its only disclosed embodiment which teaches away from Applicants’ claimed invention.

Applicants submit that the Examiner has repeatedly relied on one particular portion of *Dettelbach* (Column 2, Lines 40-51) to suggest the broad advantage of “the ability to efficiently retrieve and interpret pre-travel data in a logical and efficient manner” and has used this suggestion as the sole support for both modifying and combining the references. (Advisory Action, p. 3 and 4; Final Office Action, p. 5 and 6; Office Action mailed March 15, 2002, p. 11). Applicants submit that the Examiner’s reliance on this one statement is unfounded because this ambiguous phrase must be read in context with the remainder of the reference. (See M.P.E.P. § 2141.02 citing *Jones v. Hardy*, 727 F.2d 1524, 1530, 220 USPQ 1021, 1026 (Fed. Cir. 1984)(“treating the advantage as the invention disregards statutory requirement that the invention be viewed ‘as a whole’”)). For example, the abstract of *Dettelbach* unequivocally relates how the alleged “advantage” is accomplished. “A relational database control within the record keeping system *organizes the pre-travel data for efficient use by a corporate client*. *The reorganized data thus downloaded and organized is sent daily to the corporate clients.*” (*Dettelbach*, Abstract; *see also id.*, Column 2, Lines 11-14). As input, the relational database control receives “the RAW file 12, *converted into ACSII delimited format as a transfer file 20, arranged for use by the relational database control C.*” (*Dettelbach*, Column 4, Lines 33-35; emphasis added). *Dettelbach* further discloses that *once the data is organized in a particular manner*, “corporate accountants may *easily retrieve pre-formatted* and manageable account information.” (*Dettelbach*, Column 6, Lines 52-55; emphasis added). In other words, the logical and efficient manner for retrieving and interpreting data in *Dettelbach* (upon which the Examiner relies) requires converting, formatting, or arranging the incoming data into a common format.¹ Indeed, *Dettelbach* does not “accommodate files of different formats in the same data store” as alleged by the Examiner. (Advisory Action, p. 2).

No Suggestion or Motivation Exists to Combine *Dettelbach* with *Johnson*

The Advisory Action concludes by noting that “it is respectfully contended that there is no requirement that the motivation to make modifications must be expressly articulated within the references themselves.” (Advisory Action, p. 5; emphasis in original). Applicants respectfully submit that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the references suggest the desirability of the

¹ The claims in *Dettelbach* reflect this interpretation. Both independent claims recite “arranging the selected items within the memory for ready importation into a relational database.”

combination. (See *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990); M.P.E.P. § 2143.01). This is especially true in light of the fact that *Dettelbach* specifically teaches away from Applicants' claims and that the modification of *Dettelbach* by *Johnson* would "change the principle of operation" of *Dettelbach*. Indeed, nothing in *Dettelbach*, *Johnson*, or any other cited reference suggests or motivates the proposed combination, nor has the Examiner provided specific evidence that suggests or motivates the proposed combination beyond the single ambiguous advantage that Applicants have now clarified.² Applicants respectfully note that speculation in hindsight that "it would have been obvious" to make the proposed combination because the proposed combination might be helpful is insufficient under the M.P.E.P.³ and governing Federal Circuit case law.⁴

For at least these reasons, Applicants respectfully request consideration and allowance of independent Claim 24. Claims 2-4 and 25 depend from Claim 24 shown above to be allowable. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 2-4 and 25.

² If "common knowledge" or "well known" art is being relied on to combine the references, Applicant respectfully requests that a reference be provided in support of this position pursuant to M.P.E.P. § 2144.03. If personal knowledge is being relied on to supply the required motivation or suggestion to combine, Applicant respectfully requests that an affidavit supporting such facts be provided pursuant to M.P.E.P. § 2144.03.

³ See M.P.E.P. § 2145 ("The Federal Circuit has produced a number of decisions overturning obviousness rejections due to a lack of suggestion in the prior art of the desirability of combining references.").

⁴ For example, in *In re Dembiczak*, 175 F.3d 994 (Fed. Cir. 1999), the Federal Circuit reversed a finding of obviousness by the Board of Patent Appeals and Interferences, explaining that evidence of a suggestion, teaching, or motivation to combine is essential to avoid impermissible hindsight reconstruction of an applicant's invention:

Our case law makes clear that the best defense against the subtle but powerful attraction of hind-sight obviousness analysis is *rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references*. Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability—the essence of hindsight.

175 F.3d at 999 (quoting *W.L. Gore & Assoc., Inv. v. Garlock, Inc.*, 721 F.2d 1540, 1553 (Fed. Cir. 1983)) (emphasis added) (citations omitted). See also *In Re Jones*, 958 F.2d 347 ("Conspicuously missing from this record is any evidence, other than the PTO's speculation (if that can be called evidence) that one of ordinary skill in the herbicidal art would have been motivated to make the modification of the prior art salts necessary to arrive at [the claimed invention].").

For at least the reasons stated above with regard to Claim 24, Applicants respectfully request consideration and allowance of Claim 26. Claims 7-8, 10-11, and 27-28 depend from Claim 26, shown above to be allowable. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 7-8, 10-11, and 27-28. For at least the reasons stated above with regard to Claim 24, Applicants respectfully request reconsideration and allowance of Claim 29. Claims 14-19 and 30 depend from Claim 29, shown above to be allowable. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 14-19 and 30.

CONCLUSION

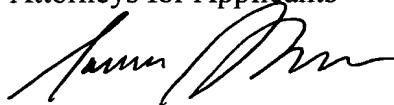
Based on the foregoing, it is respectfully submitted that all pending claims are fully allowable and favorable reconsideration of this application is therefore respectfully requested.

The Commissioner is hereby authorized to charge \$750.00 to cover the RCE basic filing fee to Deposit Account No. 05-0765 of Electronic Data Systems Corporation. Further, enclosed is a check for \$410.00 to cover the Two (2) Month Extension of Time fee. Although no other fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 05-0765 of Electronic Data Systems Corporation.

If there are matters that can be discussed by telephone to further the prosecution of this application, Applicants respectfully request that the Examiner call its attorney at the number listed below.

Respectfully submitted,

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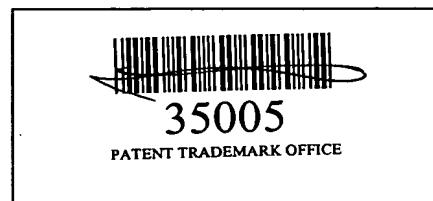


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Markups Reflecting Changes to the Claims

Please cancel Claim 1 without prejudice or disclaimer.

2. The system of claim [1]24, wherein the [new reservation data are] first reservation record and the second reservation record are added to the data store by appendage into a flat file.

3. The system of claim [1]24, wherein the [new reservation data] second reservation record comprises travel reservation data associated with a city pair.

4. The system of claim [1]24, wherein the [new reservation data are] second reservation record is added to the data store by using the time stamp as a key into a database.

Claim 5 was previously canceled without prejudice or disclaimer.

Please cancel Claim 6 without prejudice or disclaimer.

7. The travel pricing system of claim [6]26, wherein the fare data comprises a fare associated with a service provider.

8. The travel pricing system of claim 7, wherein the data store comprises files indexed by city pair.

Please cancel Claim 9 without prejudice or disclaimer.

10. The travel pricing system of claim [6]26, wherein the data store comprises data files indexed by city pair and by carrier.

11. The travel pricing system of claim [6]26, wherein the time stamp comprises an activation stamp that indicates when the server can initially use the [new reservation data] second reservation record.

Claim 12 was previously canceled without prejudice or disclaimer.

Please cancel Claim 13 without prejudice or disclaimer.

14. The method of claim [13]29, wherein the [old reservation data] first reservation record and the [new reservation data] second reservation record each comprise travel reservation data associated with a city pair.

15. The method of claim [13]29, wherein the [new reservation data are] second reservation record is added to the data store by using the time stamp as a key into a database.

16. The method of claim [13]29, further comprising dynamically processing [a] the format of the [old reservation data] first reservation record that differs from [a] the format of the [new reservation data] second reservation record utilizing Prolog.

17. The method of claim [13]29, wherein the [new reservation data are] first reservation record and the second reservation record are added into the data store by appendage into a flat file chronologically using the time stamp.

18. The method of claim [13]29, further comprising synchronizing the [new reservation data] second reservation record with an additional server.

19. The method of claim [13]29, wherein the data store comprises files indexed by city pair.

20. The method of claim [13]29, wherein the attributes comprise one selected from the group consisting of fares associated with a service provider, rules associated with [a] the service provider, and restrictions associated with [a] the service provider.

Please cancel Claim 21 without prejudice or disclaimer.

Please cancel Claim 22 without prejudice or disclaimer.

Please cancel Claim 23 without prejudice or disclaimer.

Please add the following new Claims:

--24. (New) A travel pricing system, comprising:

a data store; and

a server coupled to the data store, the server:

receiving a first reservation record relating to a first type of record, the first reservation record comprising travel attributes and a first version number, the travel attributes arranged in a first record format;

associating the first reservation record with a first time stamp;

adding the first reservation record and time stamp to the data store using the first reservation record format;

receiving a second reservation record relating to the first type of record, the second reservation record comprising at least a portion of the travel attributes associated with the first reservation record and a second version number different from the first version number, the travel attributes arranged in a second record format different from the first record format;

associating the second reservation record with a second time stamp; and

adding the second reservation record and time stamp to the data store using the second reservation record format.

25. (New) The system of Claim 24, the server further:

receiving a third reservation record relating to a second type of record, the third reservation record comprising travel attributes and the first version number, the travel attributes arranged in a third record format;

associating the third reservation record with a third time stamp; and

adding the third reservation record and time stamp to the data store using the third reservation record format.

26. (New) A travel pricing system, comprising:

a data store; and

a server coupled to the data store, the server:

receiving a first reservation record relating to a first type of record, the first reservation record comprising travel attributes and a first version number, the travel attributes comprising old fare data associated with a city pair and arranged in a first record format;

associating the first reservation record with a first time stamp;

adding the first reservation record and time stamp to the data store using the first reservation record format;

receiving a second reservation record relating to the first type of record, the second reservation record comprising at least a portion of the travel attributes associated with the first reservation record and a second version number different from the first version number, the travel attributes of the second reservation record comprising new fare data associated with the city pair and arranged in a second record format different from the first record format;

associating the second reservation record with a second time stamp; and

adding the second reservation record and time stamp to the data store using the second reservation record format, wherein the first reservation record and the second reservation record are added to the data store by appendage into a flat file chronologically using the time stamp.

27. (New) The system of Claim 8, the server further:

receiving a first rule data relating to the city pair;

adding the first rule data to the data store;

receiving a second rule data relating to the city pair; and

adding the second rule data to the data store without modifying the first rule data.

28. (New) The system of Claim 26, the server further:
receiving a third reservation record relating to a second type of record,
the third reservation record comprising travel attributes and the first version number,
the travel attributes comprising old fare data associated with a second city pair and
arranged in a third record format;

associating the third reservation record with a third time stamp; and
adding the third reservation record and time stamp to the data store
using the third reservation record format.

29. (New) A method for organizing travel reservation data, comprising:
receiving a first reservation record relating to a first type of record, the
first reservation record comprising travel attributes and a first version number, the
travel attributes arranged in a first record format;

associating the first reservation record with a first time stamp;
adding the first reservation record and time stamp to a data store using
the first reservation record format;

receiving a second reservation record relating to the first type of record,
the second reservation record comprising at least a portion of the travel attributes
associated with the first reservation record and a second version number different from
the first version number, the travel attributes arranged in a second record format
different from the first record format;

associating the second reservation record with a second time stamp; and
adding the second reservation record and time stamp to the data store
using the second reservation record format.

30. (New) The method of Claim 29 further comprising:
receiving a third reservation record relating to a second type of record,
the third reservation record comprising travel attributes and the first version number,
the travel attributes arranged in a third record format;

associating the third reservation record with a third time stamp; and
adding the third reservation record and time stamp to the data store
using the third reservation record format.--